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JUN 16 2008

**OFFICE OF PETITIONS**

In re Application of  
Chaney, et al.

Application No. 09/575,403

Filed: May 22, 2000

Attorney Docket No. REAL-2006004 (RN10)

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 16, 2008, to revive the above-identified application.

The petition is **GRANTED**.

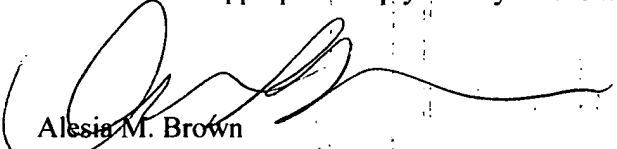
**The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision, or such period of time as may be determined by the Board of Patent Appeals and Interferences.**

This application became abandoned February 8, 2007 for failure to timely submit a proper reply to the final Office action mailed November 7, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed April 16, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the required petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 2166 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

  
Alessia M. Brown  
Petitions Attorney  
Office of Petitions